

Opening Statement of Chairman Fred Upton
Markup of H.R. 5 and H.R. 908
(Remarks Prepared for Delivery)

Colleagues, in recent weeks, this committee has directly responded to the concerns of the American people with respect to two overriding issues: our national debt and the massive – and perhaps unconstitutional – health care reform legislation passed in the last Congress. On the House floor, we have voted to cut more than \$30 billion from future federal spending by eliminating mandatory spending programs in the health care law. Our work there is not finished.

Today, however, we begin to replace President Obama's health care bill.

We begin with an issue that the overwhelming majority of the American people agree with: health care liability reform. For a decade now, Republicans on this committee have sought common-sense, easy-to-understand reforms to America's completely irrational legal system in this area.

The medical liability system in this country is not a system at all. It is a fragmented patchwork of policies that jeopardize access to care and impose added costs to the American people and their government, through Medicare and Medicaid.

In states without reform, doctors are driven out of certain specialties: trauma centers have been forced to close and pregnant women have been forced to drive hours to find an obstetrician simply because these practice areas have greater liability risks.

States that have adopted comprehensive medical liability reform have witnessed a dramatic turnaround in both access to care and liability costs.

Texas provides a great example. Because Texas adopted comprehensive reform in 2003, it now has more obstetricians and emergency physicians and lower medical liability premiums.

Studies have shown that defensive medicine costs our country as much as \$200 billion a year. It also costs patients access to the doctors they need. It is time to enact real, comprehensive reform so we can finally have a medical liability system that works for our nation's patients and doctors.

I was encouraged when President Obama included medical liability reform in this year's State of the Union address. The next day, Republicans on this committee wrote to President Obama promising to work with him on this important issue, and asking for his ideas.

But, more than three months later, we still haven't heard back. So obviously it is time for this committee to act.

I have been more than a little amused in recent weeks as legislation has moved through this Committee, and off the House floor with bipartisan support, that addresses the deficit and the Obama health care law. We have been accused of not having an alternative.

Well, I say to my friends on the other side of the aisle: Be careful what you ask for. Today is just the beginning.

Later this month, we will begin moving legislation to inject competition into the health care system by allowing Americans to shop for insurance across state lines, based on the coverage they need, not the geography of their home.

We held a hearing last week on the so-called “doc fix” – the sustainable growth rate for Medicare, which last year’s bill didn’t even attempt to deal with. We will.

More is on the way. So I say to my colleagues on both sides of the aisle: stay tuned.

I’d also like to speak briefly about the other bill scheduled for a vote tomorrow – legislation that protects our nation’s chemical facilities from terrorist threats.

The Department of Homeland Security has been operating the Chemical Facility Anti-Terrorism Standards, or CFATS, program since 2007. Its mission is to foster coordination between owners and operators of chemical facilities and the Department in securing these facilities against the threat of terrorist acts.

CFATS has proven to be effective in protecting our nation’s chemical facilities from terrorist threats. There is broad agreement in the regulated community and elsewhere that this program is working, and that it should be reauthorized with no significant changes.

It is my view that CFATS should be reauthorized in this committee instead of riding along on an appropriations bill. This committee has been regulating commerce in chemicals for decades, always balancing safety, security, and the economy.

We may debate some amendments and work through some differing policy points of view, but in the end, I hope all members will be able to vote to send this bill to the full House for reauthorization. Let’s continue to meet our responsibility to this House and to the American people to prevent terrorism, protect jobs, and grow the U.S. economy.

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